

## MINUTES OF BENTON COUNTY QUORUM COURT

**April 25, 2013**

A regular meeting of the Benton County Quorum Court was held on Thursday, April 25, 2013 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

Deputy Clerk Janet Reaves called roll as follows:

14 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Bill Rogers of Word of Life Fellowship Church led the prayer.

### **CHANGES TO THE AGENDA:**

None

### **MINUTES:**

JP J. Harrison made motion to approve the minutes of the March 28, 2013 Quorum Court Meeting as distributed, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

Minutes approved.

### **ELECTED OFFICIALS REPORTS:**

None

### **COUNTY JUDGE'S REPORT:**

County Judge Bob Clinard reported that: 1) the estimated storm damage from the April 14, 2013 rain now totals \$650,000, and Arkansas Department Emergency Management (ADEM) is still assessing the damage so that figure may change. He added that the State will refund 35% of the damage costs; 2) they are continuing to work through a permanent solution to the Emergency Medical Services (EMS) in Benton County, and that a Public Safety Committee meeting is scheduled for May 2, 2013 to discuss the issue; 3) a meeting about the courthouse feasibility study has been scheduled for April 30, 2013; 4) Benton County clean-up was a huge success and stated that he wanted to commend all of the volunteers who helped.; 5) the Benton County Road Department has worked many hours of overtime to repair the flood damage from the rains.

County Judge Bob Clinard reported on the April 2013 Property Disposal list for the county.

**COMMITTEE REPORTS:**

JP Allen reported that the Legislative Committee had met and finished reviewing the proposed changes to the Blue Book – Planning and Development Regulations, the recommended proposed changes were sent back to the Planning Board, and the Legislative Committee is waiting on the Planning Board to respond.

Administrator of General Services John Sudduth stated that they are currently looking at the recommended changes and that he would encourage people to participate and give their input.

JP Sandlin reported that the Personnel Committee had met and that items on the Personnel agenda had been forwarded to Finance and the Committee of the Whole.

**PUBLIC COMMENTS:**

None

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

Motion passed by unanimous voice vote.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- (A) Proposed Resolution Confirming the Appointment of Michael Caudill to the 9-1-1 Administration Board – Law Enforcement Position:  
Sponsor: JP Patrick Carr

County Attorney George Spence read the proposed resolution by title only.

JP Carr made motion to adopt, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring
1 Absent:	Moore

Resolution duly adopted and assigned **No. R-2013-11.**

- (B) Proposed Resolution Confirming the Appointment of Jerry Oliver to the 9-1-1 Administration Board, Member at Large, Position #3; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed resolution by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

Resolution duly adopted and assigned **No. R-2013-12.**

- (C) Proposed Resolution Authorizing the County Judge of Benton County to apply for an Arkansas Administrative Offices of the Courts – Court Security and Emergency Preparedness 2013 Grant; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

Comptroller Sarah Daniels stated that Option A would be used for the county's match.

Resolution duly adopted and assigned **No. R-2013-13.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies in Department 67, County Jail, Fund 931; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

Appropriation Ordinance duly adopted and assigned **No. O-2013-27.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies in Department 05, Sheriff's Office, Fund 010; Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moehring made motion to adopt, seconded by JP Carr.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

Appropriation Ordinance duly adopted and assigned **No. O-2013-28.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Dept 04, Treasurer's Automation, Fund 045; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

Appropriation Ordinance duly adopted and assigned **No. O-2013-29.**

- (G) Proposed Ordinance to Amend Portions of the *Code of Ordinances of Benton County, Arkansas* to Provide a Refund Procedure with Regard to the Tax Imposed on Private Clubs, and for Other Purposes; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

JP Allen stated that there is a possibility because of an erroneous tax rate that some businesses may have been overcharged, and that there will be a period of three years in which they may apply for a refund.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

First reading passed.

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 44, County Road, Fund 020, Amending *Schedule 1-Revenues by Fund* in the 2013 Benton County Budget to Create a New Line Item to be Named “County Sales Tax,” Numbered 8008 in Department 44, Fund 020, County Road Department, to Reflect a Revenue Increase of \$420,000 in Department 44, and Authorizing Expenditures Listed Herein;  
Sponsor: JP Steve Curry

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Curry made motion to adopt, seconded by JP Blaty.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

Appropriation Ordinance duly adopted and assigned **No. O-2013-30.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (**2013** Benton County Budget) Appropriating Additional Monies; and Authorizing Additional Expenditures in Environmental, Dept 38, Fund 010;  
Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

JP Jones stated that this is to appropriate \$40,000 toward a joint environmental study of phosphorus levels in the Illinois River to examine standards that the state of Oklahoma is proposing for the river.

County Judge Bob Clinard recognized Jeff Hawkins, director of the Northwest Arkansas Regional Planning Commission.

Jeff Hawkins stated that the joint study will be done in the next three years after Arkansas’ and Oklahoma’s governors appoint a six-member commission to select a company to do the stressor study.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring  
1 Absent: Moore

Appropriation Ordinance duly adopted and assigned **No. O-2013-31.**

- (J) Proposed Ordinance Amending a Portion of Sections 26-29 of the *Code of Ordinances of Benton County, Arkansas* to Increase the Service Fee of the Northeast Benton County Emergency Medical Service District (EMSD) if Approved by the Residents of the District in Referendum: Sponsor: JP Mike McKenzie

County Attorney George Spence read the proposed ordinance by title only.

JP McKenzie made motion to adopt, seconded by JP Anglin.

JP McKenzie stated this ordinance request is to send the voters the question of increasing the fee charged in the Northeast Benton County Emergency Medical Services District (NEBCO), from \$40 to \$100 per household. He stated that NEBCO has found itself unable to operate within the budget allowed by the \$40 fee, and in order for the fee increase to be collected next year, it has to be approved before August 1, 2013.

County Attorney George Spence stated that a motion to dispense with the rule that the ordinance be read fully on three separate readings should be made to vote on passing it on the final vote.

JP McKenzie made motion to suspend the rules and dispense with the rule to read on three different readings, seconded by JP Anglin.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring
1 Absent:	Moore

Motion passed.

County Attorney George Spence stated now they need to vote on the previous motion to adopt the proposed ordinance to send to the people the question of increasing the fee for a vote.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring
1 Absent:	Moore

Ordinance duly adopted and assigned **No. O-2013-32.**

- (K) Proposed Resolution Referring the Question of Increasing the Service Fee per Household within the Northeast Benton County Emergency Medical Service District (EMSD) to the Qualified Voters of the District; Sponsor: JP Mike McKenzie

County Attorney George Spence read the proposed resolution by title only.

JP McKenzie stated this proposed resolution is to put the question of increasing the fee before the voters in an election scheduled for July 9, 2013.

JP McKenzie made motion to adopt, seconded by JP Blaty.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Meyers, Moehring
1 Absent:	Moore

Resolution duly adopted and assigned **No. R-2013-14.**

**Other Business:**

None

**Announcements:**

JP Carr announced that Public Safety Committee meetings will be held April 30 at 5:30 p.m. and May 2, 2013 at 5:30 p.m.

JP Allen announced that a Finance Committee meeting will be held May 7, 2013 at 6:00 p.m.

**Adjournment:**

There being no further business to come before the court, upon motion and second the meeting adjourned at 6:42 p.m.

Respectfully submitted

Tena O'Brien  
County Clerk

Prepared by Janet Reaves